

**Notice of Proposed Administrative Penalty Assessment
and Opportunity to Comment**

AGENCY: United States Environmental Protection Agency (EPA), Region 2,
Centro Europa Building, Suite 417, 1492 Ponce de León Avenue,
San Juan, Puerto Rico 00907

ACTION: Notice of Proposed Administrative Penalty Assessment and
Opportunity to Comment

SUMMARY: EPA is providing notice of proposed administrative penalty assessments for alleged violations of the Clean Water Act. EPA is also providing notice of opportunity to comment on the proposed penalty assessment.

Under 33 U.S.C. §1319(g), EPA is authorized to issue an order assessing civil penalty for violations of the Act. EPA may issue such order after the commencement of a Class I and/or Class II penalty proceeding. EPA provides public notice of the proposed assessments pursuant to 33 U.S.C. §1319(g)(4)(a).

Administrative civil penalty proceedings are conducted under EPA's "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation Termination or Suspension of Permits" (CROP), 40 C.F.R. Part 22. The procedures through which the public may submit written comment on a proposed administrative penalty action or participate in an administrative penalty proceeding, and the procedures by which a Respondent may request a Hearing, are set forth in the CROP. The deadline for submitting public comment on this administrative civil penalty proceeding is thirty (30) days after issuance of this Public Notice.

On date identified below, EPA commenced the following administrative action for the assessment of administrative civil penalty:

**In the matter of Mr. Erick Martínez (Respondent), Box 2646
Vega Baja, PR 00694; Docket Number CWA-02-2010-3357;
Proposed Penalty: \$2,500.00, for unauthorized discharges of
storm water from a construction site known as "Segregación de
6 Lotes Comerciales y Calle de Acceso" located at State Road
PR-137, intersection with PR-643, Pugnado Adentro Ward in the
Municipality of Vega Baja, Puerto Rico, into the Hicotea Creek,
in violation of Section 301(a) of the Clean Water Act.**

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the CROP, review the proposed Consent Agreement and Final Order or other documents filed in this proceeding, comment upon the proposed assessment, or otherwise participate in any of the proceedings, should contact:

Karen Maples
Regional Hearing Clerk
U. S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007
Telephone Number: (212) 637-3247

or

Yolianne Maclay
Environmental Engineer
Caribbean Environmental Protection Division
U. S. Environmental Protection Agency, Region 2
Centro Europa Building, Suite 417
1492 Ponce de León Avenue
San Juan, Puerto Rico 00907
Telephone Number: (787) 977-5849

Unless otherwise noted, the administrative record for this proceeding is located in the EPA Caribbean Environmental Protection Division office identified above, and the files will be open for public inspection during normal business hours. All information submitted by the Respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information.

EPA has provided the Respondent with an Expedited Settlement Offer in an effort to promptly settle this matter. In order to provide opportunity for public comment, EPA will take no final action in this proceeding prior to thirty (30) days after issuance of this Notice.

Dated: August 19, 2010
Carl-Axel P. Soderberg, Director
Caribbean Environmental Protection Division